GOVERNMENT OF ANDHRA PRADESH

A B S T R A CT

Municipal Administration & Urban Development Department – Kadiri Municipality – Disciplinary proceedings instituted against Sri A.E.Bhasker, former Municipal Commissioner, Kadiri Municipality for committing *irregularities in implementation of ILSC in the Municipality – Enquiry Conducted – Dismissed from service – OA No.1384/2007 filed – Set a side the dismissal order – Preferred Appeal in WP No.18921/2010 – Appeal Dismissed - Implement of the Orders dt.19.03.2010 in OA No.1384/2007 of the Hon'ble APAT – Orders – Issued.*

MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT (Vig.III) DEPARTMENT

G.O.RT.No. 159 Dated: 07-04-2021

Read the following:

1. G.O.Ms.No.509 MA &UD (Vig.IV) Dept., dt.20.05.2005.
2. Orders dt.05.06.2006 in OA No.3119/2005 of the Hon'ble APAT filed by Sri A.E.Bhasker.
3. Govt. Memo No.16002/Vig.IV.1/2000-32, dt.24.01.2007.
4. Orders dt.19.03.2010 in OA No.1384/2007 of the Hon'ble APAT.
5. Representation of Sri A.E Bhasker, former MC, Kadiri Municipality.
6. G.O.Rt.No.907 MA &UD (Vig.IV) Dept., dt.06.08.2010.
7. Orders dt.11.08.2010 in WP No.18921/2010 of the Hon'ble High Court filed by Government.
8. Orders dt.26.02.2020 in WP No.18921/2010 of the Hon'ble High Court.
9. Notice dt.31.12.2020 in CC No.1027/2020 in WP No.18921/2010 filed by Sri A.E.Bhasker.

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ORDER:

Sri A.E Bhasker, former Municipal Commissioner, Kadiri Municipality committed certain irregularities in implementation of Integrated Low Cost Sanitation Scheme (ILSC) in the Municipality and accordingly by following due procedure laid down in APCS(CCA) Rules, 1991, enquiry has been conducted and after examining the enquiry report, the above individual was placed on his defence before the Tribunal for Disciplinary Proceedings along with other officials of Kadiri Municipality. In turn, the TDP has conducted regular enquiry and submitted report duly stating that the charges are proved to the extent of violation of the procedural irregularities, but not for personal gain or benefit and recommended to take action against him under Rule 9 (ii) of CCA Rules, 1991 read with G.O.Ms.No.392 GA (Ser.C) Dept., dt.06.09.2002.

2. Government examined the report of the TDP and after careful consideration, removed Sri A.E Bhasker, the then MC, Kadiri Municipality from service in terms of Rule 9(ix) read with Rule 20(1) of APCS(CCA) Rules, 1991 vide reference 1st read above.

3. Aggrieved by above, Sri A.E Bhasker, former Municipal Commissioner, Kadiri Municipality filed an appeal before Government for his reinstatement into service and an OA No.3119/2005 has also filed before the Hon'ble APAT in the reference 2nd read above. The Hon'ble APAT in its orders dt.05.06.2006 while disposing the OA directed to examine the appeal of the petitioner with reference to the relevant rules on the subject and pass appropriate orders within a period of six weeks. Accordingly, Government examined the case and rejected the appeal of the individual for reinstatement into service vide reference 3rd read above.

4. Sri A.E Bhasker again filed OA before the Hon'ble APAT vide reference 4th read above. The Hon'ble APAT in its orders dt.19.03.2010 in OA No.1384/2007 while allowing the OA exonerated Sri A.E Bhasker, former Municipal Commissioner, Kadiri Municipality from the charges leveled against him and set a side the removal orders issued in G.O.Ms.No.509 MA &UD (Vig.IV) Dept., dt.20.05.2005 and Memo No.16002/Vig.IV.1/2000-32, dt.24.01.2007. Further, directed to pass orders under FR treating the period of removal or suspension as 'On duty' and pay all the pay and allowances to the applicant and implement the orders within a period of eight weeks.

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5. In the mean time, Government preferred Writ Petition No.18921/2010 in the Hon'ble High Court against the orders dt.19.03.2010 in OA No.1384/2007 of Hon'ble APAT. Based on the representation of Sri A.E Bhasker and to comply the orders dt.19.03.2020 of Hon'ble APAT, Government directed the Commissioner of Director of Municipal Administration to send necessary proposals to Government for treating the period of removal or suspension period as 'on duty', subject to outcome of WP No.18921/2010 pending before the Hon'ble High Court vide reference 6th read above. Later on, the Hon'ble High Court in its orders dt.11.08.2010 in WP No.18921/2010 issued interim suspension of the orders dt.19.03.2010 of the Hon'ble APAT.

6. The Hon'ble High Court in its final orders dt.26.02.2020 in WP No.18921/2010 while confirming the orders dt.19.03.2010 in OA No.1384/2007 of APAT has dismissed the said Writ Petition No.18921/2010 filed by the Government. As the matter stood thus, Sri A.E Bhasker has filed Contempt in the Hon'ble High Court in CC No.1027/2020 for not implementing the orders dt.26.02.2020 in WP No.18921/2010.

7. Government after careful examination of the matter, hereby decide to implement the orders dt.19.03.2010 in OA No.1384/2007 of the Hon'ble APAT and as confirmed by the Hon'ble High Court in its orders dt.26.02.2020 in WP No.18921/2010 and accordingly, drop further action against Sri A.E.Bhasker, former Municipal Commissioner, in order to avoid further legal litigation in the matter.

8. The Commissioner of Director of Municipal Administration, AP, Guntur shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Y. SRILAKSHMI
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner of Director of Municipal Administration, AP, Guntur.
The RDMA, Anantapuram.
The individual concerned through CDMA, AP, Guntur.
The Commissioner, Kadiri Municipality, Anantapuramu District.
Copy to:
The APVC, Velagapudi.
The GP for MA&UD, AP High Court, Nelapadu.
Sc/Sf (E 1213861).

// FORWARDED :: BY ORDER //

SECTION OFFICER